

REMARKS

This is in response to the Office Action dated November 16, 2010. Applicants gratefully acknowledge the Examiner's determination that at least claims 7 and 8(7) are allowable. Claim 6 is rewritten in independent form. Independent claim 6 is amended to recite reciprocating movement in view of disclosure in lines 13-16 on page 2 of the specification ("In a continuously operating automated sealing process, the laser sealing means can be disposed to perform reciprocating movements, with the reverse movement subsequent to the sealing movement returning the sealing means to the starting position, where it is ready for the following sealing movement."). The terminology "laser beam (10)" has been corrected to the more accurate terminology "laser head" in claims 6 and 7. It is noted that reference character (11) refers to the laser beam – for instance, in the phrase "a laser beam¹ (10) for directing a laser beam (11)" from original claim 6 herein. The claims are also amended to address the issues raised by the Examiner under the second paragraph of 35 U.S.C. 112. Finally, reference characters are removed from claim 6-8. No new matter is introduced by this Amendment. Claims 1-8 remain pending in the application, of which claims 1-5 stand withdrawn from consideration.

35 U.S.C. 112

Claims 6-8 were rejected under the second paragraph of 35 U.S.C. 112 as failing to define the invention properly. Office Action, pages 2-3. It is respectfully submitted that claims 6-8 as amended hereinabove satisfy the requirements of the statute.

35 U.S.C. 103

Claims 6 and 8(6) were rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,060,681 (Bachhofer) in view of JP 06-182571 (Fukahori). Office Action, pages 4-5. The rejection is respectfully traversed.

¹ This should read "a laser head (10) for directing a laser beam (11)."

The statement of the rejection characterizes the Bachhofer apparatus as being "capable of retaining two sealable paper or board members." Bachhofer, however, by its own terms teaches an apparatus "for laser welding two metal sheets." The Examiner is respectfully requested to explain how it was determined that "Bachhofer discloses an apparatus ... capable of retaining two sealable paper or board members" as contended in the paragraph bridging pages 4-5 of the Office Action.

Likewise, the Fukahori reference relates only to sealing metal members ("This invention relates to the joining method of the metallic member").

The manufacture of paper and board articles – as in the present invention – and manufacture in the metal industry are technologically remote fields with respect to one another. A person of ordinary skill in the paper/board making arts would not seek solutions from the metal welding arts. For this reason alone, the rejection of record is untenable.

Also, neither Bachhofer nor Fukahori discloses the claimed combination of (i) means for pressing members apart to open a line for sealing, ii) a laser head emitting a laser beam to melt a plastic coating, and (iii) means for pressing back the members to close the sealing, all of these parts together forming an integral unit ("a sealing means 7") moving along the sealing line and thus effecting an entire sealing operation.

As admitted by the Examiner, Bachhofer fails to show seal-closing means. Furthermore, the spreading (seal opening) member 3 and the laser beam 7 in Bachhofer appear to be stationary, not movable as in the present invention. Column 2, lines 62-65.

In Fukahori, the members to be sealed are moved and squeezed by stationary rollers 13,17, which also effect closing of the seal.

It is manifest that the combination of Fukahori with Bachhofer fails to suggest an apparatus having all of the features recited in claim 6 hereinabove. Withdrawal of the rejection of record is in order and is earnestly solicited.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gerald M. Murphy, Jr. (Reg. No. 28,977) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 
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